

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE SEPTEMBER 11TH LITIGATION

Civil No.  
21 MC 101 (AKH)

THIS DOCUMENT RELATES  
TO: 03 CV 6811 (AKH)

Hayden v. United Air Lines, Inc.,  
et. al.

**NOTICE OF MOTION**

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PLEASE TAKE NOTICE that defendants United Air Lines, Inc., UAL Corporation and Huntleigh USA Corporation (collectively "Defendants") will move this Court upon the accompanying declaration and memorandum of law, at a date and time to be set by the Court, at the United States Courthouse, 500 Pearl Street, New York, New York, for an order (i) approving the agreement entered into by plaintiff Elizabeth Gail Hayden and Defendants, settling the claims asserted in *Hayden v. United Air Lines, Inc., et. al.*, 03 CV 6811 (AKH) (the "Settlement"); (ii) entering final judgment pursuant to Rule 54(b) of the Federal Rules of Civil Procedure; (iii) ruling that the liability limitation contained in section 408(a)(1) of the Air Transportation Safety and System Stabilization act applies to the Settlement amount; and (iv) dismissing the Complaint in *Hayden v. United Air Lines, Inc., et. al.*, 03 CV 6811 (AKH).

Dated: New York, New York  
July 3, 2008

Respectfully submitted,

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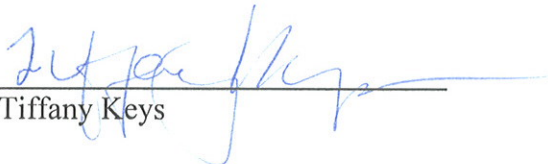
**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK                    )  
  ) ss.:  
COUNTY OF NEW YORK                )

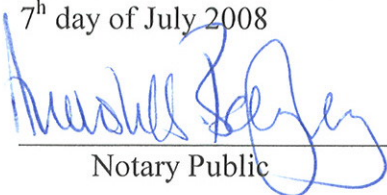
Tiffany Keys, being duly sworn, deposes and says that deponent is not a party to the action, is over 18 years of age and resides in New York, New York and that on the 7<sup>h</sup> day of July 2008, deponent served the within **NOTICE OF MOTION; DECLARATION OF JEFFREY J. ELLIS; and MEMORANDUM OF LAW IN SUPPORT OF DEFENDANTS' MOTION FOR AN ORDER: (1) APPROVING THE SETTLEMENT; (2) ENTERING FINAL JUDGMENT PURSUANT TO RULE 54(b) OF THE FEDERAL RULES OF CIVIL PROCEDURE; (3) RULING THAT THE LIABILITY LIMITATION CONTAINED IN SECTION 408(a)(1) OF THE AIR TRANSPORTATION SAFETY AND SYSTEM STABILIZATION ACT APPLIES TO THE SETTLEMENT AMOUNT; AND (4) DISMISSING THE COMPLAINT WITH PREJUDICE** upon:

1. Mary Schiavo – Attorney for Plaintiff Elizabeth Gail Hayden;
2. Desmond T. Barry, Jr. – Aviation Defendants' Liaison Counsel;
3. Marc S. Moller – Wrongful Death and Personal Injury Plaintiffs' Liaison Counsel;
4. Donald A. Migliori – Wrongful Death and Personal Injury Plaintiffs' Liaison Counsel;
5. Robert A. Clifford – Property Damage and Business Loss Plaintiffs' Liaison Counsel;
6. Richard A. Williamson – Counsel for WTCP Plaintiffs;
7. Beth D. Jacobs – WTC 7 Ground Defendants' Liaison Counsel;
8. Keith Harris – Counsel for Port Authority of New York and New Jersey;
9. Beth Goldman – U.S. Attorneys' Office; and
10. All Aviation Defendants.

by emailing a copy of the papers to the attorneys in accordance with the Court's March 10, 2005 Order.

  
\_\_\_\_\_  
Tiffany Keys

Sworn to before me this  
7<sup>h</sup> day of July 2008

  
\_\_\_\_\_  
Notary Public

ANOUSHKA SHARIFI BAYLEY  
Notary Public, State of New York  
No. 02SH5053359  
Qualified in Westchester County  
Commission Expires December 18, 2010  
